

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Application of)
)
Friends of Oakley Community Foundation) FCC File No. BLSTA-20190130AAJ
For Special Temporary Authority)
KLSN-LP, Oakley, CA)
Facility Identification No: 194303)

To: The Secretary
Attn: Media Bureau, Audio Division

INFORMAL OBJECTION

1. Jeffrey M. Brown (“Brown”), a resident in the service area of and regular listener to KLSN-LP, Facility ID 194303, Oakley, California (“KLSN” of “Station”) hereby submits this Informal Objection (“Objection”) to the above referenced request for Special Temporary Authority (“STA”) to remain silent filed by Friends of Oakley Community Foundation, KLSN’s licensee (“Foundation” or “Licensee”).

Standing

2. While this pleading is an informal objection, as no formal Petition to Deny is noted in the Commission rules for opposing an STA, Brown wishes to make clear that he would have standing to file were a formal Petition to Deny possible. Standing arises both from Brown’s residence in the KLSN’s service area and his regular listening to the Station.¹ Brown’s Standing is documented in the declaration attached hereto at Exhibit A.

¹ *Chapin Enterprises*, 29 FCC Rcd 4250, 4252 (2014); *CHET-5 Broadcasting, L.P.*, 14 FCC Rcd 13041, 13042 (1999); *Office of Communications of the United Church of Christ v. FCC*, 359 F.2d 994, 1000-1006 (DC Cir. 1966).

Summary

3. The Commission should deny the STA request for several reasons: (a) KLSN's license has expired as a matter of law pursuant to 47 U.S.C. 312(g) and 47 C.F.R. Sec. 73.873(c) (collectively "Sec. 312(g)") as the Station has been silent for more than a year; (b) the Licensee engaged in misrepresentation, in violation of Commission rules, by reporting, via the Commission's CDBS portal, that KLSN resumed operations on January 13, 2019 when it actually was officially barred, by the tower owner, from any presence at the antenna site and, therefore, could not possibly broadcast from it; (c) the Licensee had no reasonable site assurance at the time of its initial or even its modified original construction permit applications; and (d) the Licensee had no legal existence at the time it filed the STA request.

4. In addition, the Licensee has failed in numerous other instances to meet its obligation as a Commission broadcast licensee, notably: (e) KLSN has been subject to unauthorized transfers of control through board changes that, even years later, have not been submitted to the Commission for review and approval, and has apparently ceded control of KLSN to someone without recognized official status in the NCE Licensee's nonprofit corporation governance structure.

5. These Licensee acts, committed over the course of years, demonstrate the Foundation fails to meet broadcasters' "'high standards of punctilio,' given the special status of licensees as trustees of a scarce public resource."² Commission licensees – including the Foundation – have "an affirmative duty to inform the Commission of the facts it needs in order to fulfill its statutory

² *Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 461 (DC Cir., 1980) (citing *FCC v. WOKO, Inc.*, 329 U.S. 223, 227 (1946), *Lorain Journal Co. v. FCC*, 351 F.2d 824, 830, (DC Cir. 1965), and *Sea Island Broadcasting v. FCC*, 627 F.2d 240 (DC Cir. 1980)).

mandate. This duty of candor is basic, and well known.”³ “No one is allowed ‘one bite’ at the apple of deceit.”⁴

6. Therefore, in addition to losing the KLSN license, the Foundation should face additional sanctions and forfeitures as its history of noncompliance through deceit and lack of candor demonstrates willful⁵ rather than inadvertent violations, as discussed more fully, below.

Discussion

7. (a) KSLN’s License is Expired as a Matter of Law. KSLN went silent on February 2, 2018.⁶ The Commission granted KSLN a silent station STA on March 19, 2018 for 180 days (“2018 Silent Authorization”), which required the Licensee to apply for an extension, if needed, 180 days later. The Licensee NEVER FILED an extension request. Clearly, the Station’s continued silence, when the 2018 Silent Authorization ran out without a renewal request, is a serious rule violation that would be actionable, in and of itself.

8. But, even worse, KSLN did not return to air “by 12:01 a.m., February 3, 2019.”⁷ At that point, the Station license automatically expired, pursuant to 47 U.S.C. 312(g), after a year of ceaseless broadcast silence.

³ *RKO General v. FCC*, 670 F.2d 215 (DC Cir. 1981) (citing *Sea Island Broadcasting Corp v. FCC*, 627 F..2d 240 (DC Cir. 1980), *cert. denied*, 449 U.S. 834 (1980)).

⁴ *Grenco, Inc.* 39 FCC 2d 732, 737 (1973).

⁵ *See* 47 U.S.C. Sec. 312(f).

⁶ *See* FCC File No. BLSTA-20180305AAL.

⁷ Letter to Licensee, from Associate Bureau Chief Lisa Scanlon, Mar. 19, 2018, FCC Ref. No. 800B3-DW, attached hereto at Exhibit B.

9. Instead, the Licensee falsely notified the Commission on January 14, 2019 that it had resumed Station transmissions the previous day.⁸ The Licensee had, at the time it filed this misrepresentation to the Commission, actually been barred from the alleged antenna site by American Towers, which controls the tower in question. This is evinced by the voice mail message from an American Towers representative (“American Towers Representative”) left for the Licensee. In the voice mail, a recording and transcript of which are attached at Exhibit C, the American Towers Representative warns the Licensee against any plan to again trespass at the antenna site.

10. (b) The Licensee Made Serious Misrepresentations, as there is nothing more material to Section 312(g) than the fact of whether a station authorized to broadcast is actually doing so from an authorized site.⁹ Clearly, KLSN was NOT broadcasting when its Licensee filed the False Notice. Absent a truthful notice about actual authorized transmissions, the station was legally (and actually) silent.

11. That False Notice was the only notice the Licensee filed returning the Station to air before the automatic license forfeiture provisions of Section 312(g) took effect just after midnight on February 3, 2019. As the False Notice amounts to no notice at all, the Station’s license has expired. The only administrative tasks left for the Commission are to change the Station’s call sign from KLSN-LP to DKLSN-LP on official records and announce that it is doing so.

⁸ A copy of the Licensee’s notice misrepresenting the station’s air status (“False Notice”) is attached hereto at Exhibit D.

⁹ *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543, 385 (DC Cir. 2009).

12. Given the egregious misrepresentation involved, the Commission should also sanction the Licensee SPECIFICALLY for its false statements and candor-challenged actions as a licensee. This would serve as an important deterrent to others who may be willing to risk a license they would lose anyway if they told the truth (as was true here). Such sanctions would support the fundamental principal that broadcasters must demonstrate “‘high standards of punctilio,’ given the special status of licensees as trustees of a scarce public resource.”¹⁰

13. (c) The Licensee Had No Reasonable Site Assurance at Any Time for the American Towers Site. The Licensee’s pattern of dishonest activities began long before it misrepresented the station’s broadcast status in January, 2019. A review of both Commission and other records indicates the Licensee never had reasonable assurance from American Towers for the antenna site listed and approved in its original Construction Permit in FCC File No. BNPL-20131108AJB (“2013 CP Application), its modified Construction Permit in FCC File No. BMPL-20150720AAP (“2015 CP Application), or its License to Cover application in BLL-20170228AAO (“License Application”) (collectively, “Authorization Applications”).

14. The Licensee, apparently, never even asked American Towers for reasonable assurance before filing any of its Authorization Applications and then simply installed its antenna at the American Towers site without agreement from the site owner.¹¹ This is evinced by the voice mail message described in para. 11. In sum, not only did KLSN have no reasonable site assurance at any time, it was nothing more than a trespasser illegal squatting for the time it was on the air before its license expired automatically pursuant to Section 312(g). Its squatter’s

¹⁰ *Leflore Broadcasting Co.* supra, n. 2.

¹¹ The Licensee had reasonable assurance for a different site, controlled by the Liberty Union High School District, attached hereto at Exhibit E.

presence on the site potentially put licensed site users service and equipment at risk, as American Towers safe management of the site was hindered by sneaky installation of the Licensee's unauthorized equipment there unbeknownst to tower management. Given the importance of communications facilities to public safety and well-being, the Licensee's actions are egregious – and deserving of sanction separately from license forfeiture in order to deter others who may seek to simply hoist high powered electrical equipment anywhere they please, without regard for public safety.

15. (d) The Licensee Had No Legal Existence Since 2017. The California Secretary of State's website indicates that the Licensee corporation is in suspended status, as it has not filed its state-required annual report or paid its annual state registration fees since 2016.¹²

16. Therefore, the Licensee had no legal right to file anything with the FCC during the suspension period in 2017, 2018 and 2019. Yet, it submitted several items to the Commission during those three years, including:

- (1) License to Cover Application in FCC File No. BLL-20170228AAO ("License Application")
- (2) Silent Station STA Request in BSTA-20180305AAL ("2018 STA Request")
- (3) New Silent Station STA Request in BLSTA-20190130AAJ ("2019 STA Request")

¹² A copy of California Secretary of State data lists the Licensee as "suspended." Its last annual renewal, the website indicates, was in 2016. <https://businesssearch.sos.ca.gov/CBS/detail> (visited Mar. 14, 2019). See Exhibit F.

17. Any applications or requests for official action filed while the applicant had no legal existence are void and should be subject to revocation *nunc pro tunc*, as existence is a prerequisite to any broadcast authorization.¹³

18. (e) KLSN Has Been Subject to At Least One Unauthorized Transfer of Control. 47 U.S.C. 310(d)¹⁴ requires a broadcast permittee or licensee to file an application for Commission approval for a change in control. In a nonstock corporation, such as the Foundation, control transfers at the point at which 50 percent of the votes in the organization's governing body are exercised by individuals not previously approved by the Commission.¹⁵ The only arguable point is which FCC application form is required, a decision dependent on whether the change is defined as "major" or "minor." While the definitions governing minor and major changes through board rotation are currently subject to rulemaking¹⁶ to clarify a regulatory environment well punctuated by exceptions, exclusions and waivers,¹⁷ one thing is true throughout: an FCC authorization-holder MUST file some sort of application to gain approval of a transfer of control.

19. The Licensee has clearly failed to do so. An unauthorized transfer of control occurred between the filing of the Licensee's original 2013 CP Application and its modified 2015 CP

¹³ 47 U.S.C. Sec. 397(6)(A) requires LPFM licensee to have "legal existence under pertinent state law at the time that their applications are filed." *Six Applications for New Low Power FM Stations*, 28 FCC Rcd 13390 (2013).

¹⁴ "No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby."

¹⁵ See, e.g., 47 C.F.R. Sec. 73.871(c)(3).

¹⁶ *Reexamination of Comparative Standards and Procedures*, MB Docket No. 19-3, rel. Feb. 15, 2019 in FCC 19-9.

¹⁷ *Id.* at paras 64-67.

Application. As documented at Exhibit G, attached hereto, two new board members joined two existing board members on a four-person board at some point before filing the 2015 CP Application. On that filing, each board member is attributed with an equal 25 percent voting share. Thus, the two new board members had a combined 50 percent voting share – a change that requires application to and approval from the Commission pursuant to Section 310(d) of the Act. Now, four years later, the Licensee has still not filed ANY application for ANY transfer of control.¹⁸

20. Moreover, it appears that the Licensee’s governing body¹⁹ has wholly turned over station decision-making to an individual named Christopher Ponzano – who is apparently neither a board member nor a corporate officer. Mr. Ponzano, despite his lack of cognizable authority to do so,²⁰ signed the Station’s License Application, its 2018 STA Request and its 2019 STA Request. Mr. Ponsano evaded FCC requirements (and the plain form instructions) in the latter two by entering BOTH his name and title as “Christopher Ponzano.”²¹ This suggests that Mr. Ponzano, as an individual, now controls the Station. No application has been filed for such assignment of license – perhaps because 47 C.F.R. Sec. 73.853 does not permit LPFM station licensing by individuals; licensing is limited to certain kinds of organizations.

21. Again, even if the station loses its license pursuant to Section 312(g), the Commission should sanction the licensee for its failure to meet the high standards of punctilio required of

¹⁸ The obligation to file SOMETHING exists regardless of whether the change was gradual or sudden, or might be mooted by the final rules to emerge from MB Docket No. 19-3.

¹⁹ That is, if the board is still operating, given its current state of legal non-existence under California Law. *See* paras. 15-17, above.

²⁰ *See Blue Lake Academy*, 20 FCC Rcd 12066, 12069 (2005) (citing 47 C.F.R. Sec. 73.3513)

²¹ The two STA requests are attached hereto at Exhibit F.

licensees to apply for authorization to transfer or assign control of stations– lest others be tempted to similarly flaunt these important Commission procedures.

Conclusion

22. The Licensee has misrepresented material facts to the Commission, lacked candor, filed FCC forms despite its lack of continuing legal existence, transferred control of the Station without Commission authorization (or even filing an application), and the Station is now, apparently, impermissibly controlled by an individual named Christopher Ponzano.

23. For all the reasons stated, the Commission should: (a) DELETE the Station pursuant to Section 312(g), and must, at the same time, (b) SANCTION THE LICENSEE for its misrepresentations, lack of candor, unauthorized transfer of control, and its failure to have reasonable assurance of site availability which it covered up by relying, instead, on trespass and squatting to gain use of the site without the tower owner's knowledge or permission.

Respectfully Submitted,

/s/

Jeffrey M. Brown

1157 Jensen Cr.
Pittsburg, CA 94565
Tel. (925) 783-5930

Mar. 22, 2019

EXHIBIT A

Declaration of Jeffrey M. Brown

DECLARATION OF JEFFREY M. BROWN

1. My name is Jeffrey M. Brown.
2. I live at 1157 Jensen Circle in Pittsburg, California.
3. I regularly listened to KLSN-LP ("Station") at home and while driving between home and my workplace, before the Station went silent.
4. Until February 14, 2018, I served as the Station's chief engineer.
5. I have continued to regularly monitor the Station's assigned channel until the present.
6. In the course of this monitoring, I have neither heard nor detected any transmissions by KLSN-LP, at any time, from the date the station went silent, as reported in FCC File No. BSTA-20180305AAL, to the present.
7. On Feb. 11, 2019, I received a voice mail message from an American Towers representative identifying herself as "Danielle." Danielle made contact about the station's notice of return to air submitted in FCC File Number BLSTA-20190130AAJ warning the Licensee that the Station must not trespass on American Towers' property when returning to air.
8. I have caused a transcript of that voice mail to be made and have submitted that transcript to the Commission as part of an informal objection I am filing in FCC File Number BLSTA-20190130AAJ.

Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct. Executed on March 20, 2019

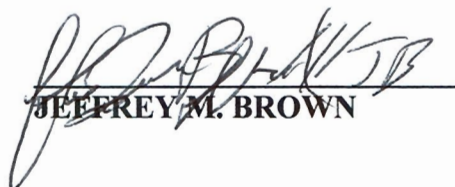

JEFFREY M. BROWN

EXHIBIT B

Letter to Licensee from Associate Bureau Chief Lisa Scanlan

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

MAR 19 2018

In reply refer to: 1800B3-DW

Mr. Chris Ponsano
Friends of Oakley Community Foundation
P.O. Box 1452
Oakley, CA 94561-1452

In re: **KLSN-LP, Oakley, CA**
Facility ID No. 194303
Silent since February 2, 2018

Request for Special Temporary
Authority to Remain Silent

Dear Mr. Ponsano:

This letter concerns the request you filed on March 5, 2018, on behalf of Friends of Oakley Community Foundation (FOCF), for Special Temporary Authority (STA) to permit Low-Power FM Radio Station KLSN-LP to remain silent.

FOCF's request states that Station KLSN-LP went silent on February 2, 2018, due to vandalism at its transmitter site. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

FOCF's request is granted. Accordingly, Special Temporary Authority is granted to permit Station KLSN-LP to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station KLSN-LP will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., February 3, 2019.**²

FOCF is required to notify the Commission when broadcast operations resume. If FOCF does not file the notification of resumption of operations in a timely manner, the license may be subject to cancellation pursuant to Section 312(g) of the Communications Act, as amended.³

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. It is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed.⁴

Sincerely,



Lisa Scanlan
Deputy Chief, Audio Division
Media Bureau

¹ In the event extension of special temporary authority is sought, please renew the certification in this matter.

² See 47 U.S.C. § 312(g).

³ *Id.* In addition to filing a notification of resumption of operations electronically on the date operations resume, notification of resumption must also be emailed to Denise.Williams@FCC.gov.

⁴ See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

EXHIBIT C

Transcript of American Towers Voice Mail

TRANSCRIPT OF VOICE MAIL

Wednesday, February 13, 2019, at 11:02 a.m.

Hi, this message is for Chris Pansano. Chris, this is Danielle from American Towers. 781-926-4633. I am just calling again about that American Tower site in Oakley for KLSN. Last we spoke you said you were moving the equipment. We are seeing that a new filing with the FCC that you have intent on putting the equipment for broadcasting on this tower. I really need you to call me back. I have sent you two emails, already. And this is my second voice mail. We need to know what is going on. Last time you went up there without a lease and we are not going to let that happen this time. So, give me call me back. 781-926-4633.

(A recording of this voice mail message is available to the Commission upon request.)

EXHIBIT D

Copy of Licensee-submitted False Notice

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Resumption of Operations		FOR COMMISSION USE ONLY FILE NO.
Read Instructions/FAQ before filling out form		

Section I - General Information

1.	Legal Name of the Applicant FRIENDS OF OAKLEY COMMUNITY FOUNDATION		
	Mailing Address 30 CALISESI CT.		
	City OAKLEY	State or Country (if foreign address) CA	Zip Code 94561 -
	Telephone Number (include area code) 9256255576		E-Mail Address (if available) CHRIS.PONSANO@KLSN.ORG
	Call Sign KLSN-LP	Facility ID Number 194303	
2.	Contact Representative (if other than licensee/permittee) CHRIS PONSANO		Firm or Company Name FRIENDS OF OAKLEY/KLSN COMMUNITY RADIO
	Mailing Address 30 CALISESI CT.		
	City OAKLEY	State or Country (if foreign address) CA	ZIP Code 94561 -
	Telephone Number (include area code) 9256255576		E-Mail Address (if available) CHRIS.PONSANO@KLSN.ORG
3.	Purpose:		
	<input type="radio"/> Notification of Suspension of Operations		
	<input type="radio"/> Notification of Suspension of Operations and Request for Silent STA		
	<input type="radio"/> Request for Silent STA		
	<input type="radio"/> Request to Extend STA		
	<input checked="" type="radio"/> Resumption of Operations		
4.	Community of License: City: OAKLEY State: CA		
5.	Date station went silent: 02/02/2018		
6.	Date station commenced operation: 01/13/2019 (mm/dd/yyyy)		
7.	Please explain under which parameters the facility commenced operations (i.e. license, technical sta, construction permit)		[Exhibit 3]

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing CHRIS PONSANO	Typed or Printed Title of Person Signing GENERAL MANAGER
Signature	Date (mm/dd/yyyy) 01/14/2019

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 3

Description: SILENT STA / RESUMPTION OF BROADCAST

KLSN HAD SHUT DOWN AS A RESULT OF AN ACT OF VANDALISM OF OUR STUDIO AND BROADCAST TOWER SITE AS PER OAKLEY POLICE REPORT 18-319.

BROADCASTING HAS RESUMED FROM OUR ORIGINAL BROADCAST TOWER SITE. ALL VANDALIZED EQUIPMENT, JINGLES, AND STATION IMAGING HAS BEEN REPLACED TO COMPLY WITH FCC'S REGULATIONS GOVERNING LPFM STATIONS. SECURITY MEASURES HAVE BEEN ENACTED TO PROTECT EAS RECORDS.

NO OTHER CHANGES.

Attachment 3

EXHIBIT E

Licensee's Reasonable Assurance for a Different Site



Liberty Union High School District

20 Oak Street

Brentwood, CA 94513

Phone: (925) 634-2166 Fax (925) 634-1687

Eric L. Volta, Superintendent

Mr. Gary Arfsten
1030 Kay Lane
Oakley, CA 94561

Dear Mr. Arfsten,

On behalf of the Liberty Union High School District, I am pleased to respond to your request to place the antenna for your proposed non-profit community low-power FM radio station on available space on the cellular service tower located on the campus of Freedom High School in Oakley, California.

The District supports your ambitious initiative to develop this important community radio service for the cities of Oakley and Brentwood. The District also recognizes the educational value of your proposed operation to our high school students who are interested in pursuing media training and experience. Therefore, the District agrees to placement of your station's broadcast antenna (not to exceed 125 feet in height) on available cellular tower space on the Freedom campus. We agree to provide to you or your agent access to your antenna during school hours and a means to request emergency afterhours access if needed, and agrees to provide or to provide access at your initiative's expense to both the power and telephone services required to operate your transmitter.

As required by the Federal Communications Commission (FCC) and your engineering services, the location of the tower is approximately 37° 58' 15.31" N by 121° 43' 00.68" W.

In return for this consideration, the District expects your service to cooperate with the District in developing volunteer educational opportunities for our students who are interested in radio broadcast announcing, production, programming and fund-raising. The District expects your service to provide professional supervision of its trainees, to comply with applicable District standards and policies regarding student training and conduct in the presence of students, and to provide periodic reports to the District regarding your operations and student educational activities.

The District is hopeful that you will be awarded the Construction Permit by the FCC this fall for this unquestionably needed radio broadcast service to our underserved urban area. The District is likewise excited about your efforts to provide this vital educational service to our community and to our students, and hopes that this agreement leads to an enhanced media study curriculum for the District and also to other opportunities for mutual support.

Sincerely,

Gene Clare
Assistant Superintendent of Administrative Services

EXHIBIT F

**Printout of California Secretary of State
Corporate Registry Website Listing for Licensee**

Alex Padilla
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Wednesday, March 13, 2019. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C3099068 FRIENDS OF OAKLEY COMMUNITY FOUNDATION

Registration Date:	05/09/2008
Jurisdiction:	CALIFORNIA
Entity Type:	DOMESTIC NONPROFIT
Status:	SOS SUSPENDED
Agent for Service of Process:	NICOLE IMPAGLIAZZO 419 MAVIS DRIVE PLEASANTON CA 94566
Entity Address:	2063 MAIN STREET, STE 250 OAKLEY CA 94561
Entity Mailing Address:	2063 MAIN STREET, STE 250 OAKLEY CA 94561

Document Type	↕	File Date	↕	PDF
SI-COMPLETE		05/09/2016		
SI-COMPLETE		11/17/2015		
REGISTRATION		05/09/2008		

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)[New Search](#)[Back to Search Results](#)

EXHIBIT G

FCC Records Documenting Unauthorized Transfer of Control

a. it is a nonprofit educational organization; or	<input checked="" type="radio"/> Yes <input type="radio"/> No
b. it is a Tribe or Tribal organization; or	<input type="radio"/> Yes <input checked="" type="radio"/> No
c. it is a state or local government or a non-government entity that proposes a noncommercial public safety radio service to protect the safety of life, health, or property.	<input type="radio"/> Yes <input checked="" type="radio"/> No
If the answer to 2c is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? <i>See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80 (2000).</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
Note: An applicant that answers "Yes" to 2a. must include an exhibit that describes the applicant's educational program and how its proposed station will be used to advance its educational program. If the applicant is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is unincorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.	[Exhibit 2]
An applicant answering "Yes" to 2b. must include an exhibit that specifies whether the applicant is a Tribe or Tribal organization, and describes its proposed noncommercial service. If the applicant is a Tribal organization and is incorporated, the exhibit also must state which Tribe or Tribes own or control the applicant, and specify the state and date of applicant's incorporation. If the applicant is a Tribal organization and is not incorporated, the exhibit must state which Tribe or Tribes own or control the applicant, and specify the state in which the applicant is registered or otherwise recognized and the date of such registration or recognition.	
An applicant that answers "Yes" to 2c. must include an exhibit that describes the applicant's public safety radio program and how the proposed station will be used to protect the safety of life, health or property. If the applicant is a non-governmental entity and is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is a non-governmental entity and is not incorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.	

3. Parties to the Application.

a. List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

(1) Name and address of party.

(2) Citizenship.

(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's **equity/debt plus** standard.

(4) Percentage of votes.

(5) Percentage of total assets (equity plus debt).

[Enter Parties/Owners Information]

Parties to the Application

List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

(1) Name and address of party.

(2) Citizenship.

(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard.

(4) Percentage of votes.

(5) Percentage of total assets (equity plus debt).

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
PAT ANDERSON, 4140 WOODHAVEN LANE,	US	PRESIDENT, BOARD	33.4	33.4

OAKLEY, CA 94561		MEMBER		
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
DONNA LAGANO, 370 MAUDE COURT, OAKLEY, CA 94561	US	VICE PRESIDENT, BOARD MEMBER	33.3	33.3
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
NICOLE IMPAGLIAZZO, 419 MAVIS DRIVE, PLEASANTON, CA 94566	US	TREASURER	33.3	33.3
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
FRIENDS OF OAKLEY COMMUNITY FOUNDATION	US	OWNER	100	100
b. Applicant certifies that equity and financial interests not set forth above are non-attributable.				<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 3]

4. **Community-Based Criteria.** The applicant certifies that:

a. it is a nonprofit educational organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application.	<input checked="" type="radio"/> Yes <input type="radio"/> No
b. it is a nonprofit educational organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application.	<input checked="" type="radio"/> Yes <input type="radio"/> No
c. it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. <i>See</i> 47 C.F.R. Sections 73.853(c) and 73.7000.	<input type="radio"/> Yes <input checked="" type="radio"/> No
d. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	<input type="radio"/> Yes <input checked="" type="radio"/> No

Note: An applicant should **not** submit an explanatory exhibit in connection with these Question 4 "No" responses.

5. **Ownership.**

a. Applicant certifies that it and all parties to the application comply with the multiple ownership limits set forth in Section 73.855 of the Commission's rules. <i>See</i> 47 C.F.R. Section 73.855.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
b. Applicant certifies that it and all parties to the application comply with the cross-ownership limits set forth in Section 73.860 of the Commission's rules. <i>See</i> 47 C.F.R. Section 73.860.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
c. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to media interests of immediate family members.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
d. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to investor insulation and the non-participation of non-party investors or creditors.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]

6. **Character Issues.** The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with:

a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
---	---

b. any pending broadcast application in which character issues have been raised.	
<p>7. Adverse Findings. The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?</p> <p>If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 9]</p>
<p>8. Unlicensed Operation. The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>9. Anti-Drug Abuse Act Certification. Applicant certifies that neither the applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>

Section III - Point System Factors

New station and major change applicants must complete the following questions.

Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded a point for each of the following:

1. Established community presence.	<table border="1"> <tr> <td data-bbox="87 1207 1274 1472"> <p>a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p> <p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.</p> </td> <td data-bbox="1274 1207 1534 1472"> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 10]</p> </td> </tr> <tr> <td data-bbox="87 1472 1274 1602"> <p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p> </td> <td data-bbox="1274 1472 1534 1602"> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> </td> </tr> <tr> <td data-bbox="87 1602 1274 1703"> <p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p> </td> <td data-bbox="1274 1602 1534 1703"> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> </td> </tr> </table>	<p>a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p> <p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 10]</p>	<p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	<p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p> <p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 10]</p>						
<p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>						
<p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>						
2. Local program origination. The applicant pledges to originate locally at least eight hours of programming per day.	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>						
<p>3. Main studio. The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.</p> <p>The applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>						

Address: 1030 KAY LANE		
City OAKLEY	State or Country (if foreign address) CA	Zip Code 94561-
Telephone Number (include area code) 9257329114	E-Mail Address (if available)	

4. Local program origination and main studio. The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.	<input checked="" type="radio"/> Yes <input type="radio"/> No
5. Diversity of ownership. The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.	<input checked="" type="radio"/> Yes <input type="radio"/> No
6. Tribes or Tribal organizations. The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.	<input type="radio"/> Yes <input checked="" type="radio"/> No

Section IV - Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point analysis. <i>See</i> 47 C.F.R. Section 73.872.	
1. Established Community Presence: Provide the date on which the applicant qualified 05/09/2008 (mm/dd/yyyy) as local. <i>See</i> 47 C.F.R. Section 73.853(b).	
Applicant certifies that it has remained local at all times since this date.	<input checked="" type="radio"/> Yes <input type="radio"/> No

Section V - Certification

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith.

The applicant acknowledges that all certifications and attached Exhibits are considered material representations.

The applicant acknowledges that the submission of false or misleading statements will subject the applicant to fines, revocation of license(s), and applicable criminal penalties.

The applicant hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by licensee or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing PAT ANDERSON	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 11/07/2013

Section VI - LPFM Engineering, Tech Box

TECHNICAL SPECIFICATIONS

Applicants must list technical specifications accurately. Contradictory data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1.	Channel: 225
2.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 37 Minutes 58 Seconds 15.3 <input checked="" type="radio"/> North <input type="radio"/> South Longitude Degrees 121 Minutes 43 Seconds 0.7 <input checked="" type="radio"/> West <input type="radio"/> East
3.	Antenna Structure Registration Number: <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA
4.	Antenna Location Site Elevation Above Mean Sea Level: 25 meters
5.	Overall Tower Height Above Ground Level: 30 meters
6.	Height of Radiation Center Above Ground Level: 30 meters
7.	Power and height limitations. By checking "Yes", the applicant acknowledges that it will be authorized to operate within the parameters defined in 47 C.F.R. Section 73.811 as calculated based on the data specified herein. <div style="text-align: right;"><input checked="" type="radio"/> Yes <input type="radio"/> No</div>

An explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

8.	a. Interference. The applicant certifies that the proposed facility complies with all pertinent distance separation requirements of 47 C.F.R. Section 73.807. Note: New station applications that fail to meet all of the co-channel and first-adjacent channel separation requirements set forth in 47 C.F.R. Section 73.807 will be returned and will not be provided an opportunity to file a curative amendment. An applicant seeking a waiver of second-adjacent channel minimum distance separation requirements must submit an exhibit demonstrating that the proposed station operations will not result in interference to any authorized radio service. <i>See</i> instructions for additional information.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 11]
	b. Interference to Translator or Booster Input Signals. The applicant certifies that the proposed facility complies with all pertinent requirements of 47 C.F.R. Section 73.827(a). Note: Where Section 73.827(a) is applicable, an applicant must certify that the proposed facility complies with the distance separation requirements set forth in that section or demonstrate that "no actual interference" would occur based on either the signal strength ratio showing or minimum distance separation formula set forth in 47 C.F.R. Section 73.827(a) or an alternative technical arrangement agreed to by both the applicant and the affected FM translator or FM booster station.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 12]
9.	TV Channel 6 Interference (Channel 201-220). The applicant certifies that the proposed facility complies with 47 C.F.R. Section 73.825.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 13]
10.	National Environmental Policy Act. The applicant certifies, based on its completion of Worksheets 2 and 3 and its review of the instructions to this application, that the proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the attached General Environmental and RF Exposure Worksheets, an Exhibit is required.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]

THE FOLLOWING PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Section V (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name LEO ASHCRAFT	Relationship to Applicant (e.g., Consulting Engineer) CONSULTANT	
Signature	Date 10/28/2013	
Mailing Address PO BOX 1096		
City MOUNT VERNON	State or Country (if foreign address) TX	Zip Code 75457-
Telephone Number (include area code) 2024489064	E-Mail Address (if available) LEO@NEXUSBROADCAST.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 2

Description: MISSION AND PROGRAM SERVICE

ATTACHED HERewith ARE EXHIBITS SHOWING THE APPLICANT'S CORPORATE EXISTENCE AS A NON-PROFIT IN CALIFORNIA, AND THAT DESCRIBE THE APPLICANT'S EDUCATIONAL PROGRAM AND HOW ITS PROPOSED STATION WILL BE USED TO ADVANCE ITS EDUCATIONAL PROGRAM.

Attachment 2

Description
cal secretary of state business entity detail
by laws for friends of oakley
501(c)(3) determination ltr
Educational purpose
Proposed Initial Porgram Schedule
By Laws Addendum

Exhibit 10

Description: NON-PROFIT DURABILITY CERTIFICATION

REFER TO DOCUMENTS IN EXHIBIT 2, AND SEE ATTACHMENT.

Attachment 10

Description
Non-profit durability

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0920 (April 2013)	FOR FCC USE ONLY
FCC 318		
APPLICATION FOR CONSTRUCTION PERMIT FOR A LOW POWER FM BROADCAST STATION		FOR COMMISSION USE ONLY FILE NO. BNPL - 20131108AJB
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant FRIENDS OF OAKLEY COMMUNITY FOUNDATION		
	Mailing Address 2063 MAIN STREET, #260		
	City OAKLEY	State or Country (if foreign address) CA	Zip Code 94561 -
	Telephone Number (include area code) 9254707540	E-Mail Address (if available) TVANGOOR@COMCAST.NET	
2.	FCC Registration Number: 0023109333	Call Sign	Facility Identifier 194303
	Contact Representative (if other than applicant) MICHAEL COUZENS		Firm or Company Name ATTORNEY AT LAW
3.	Telephone Number (include area code) 5106587654		E-Mail Address (if available) CUZ@WELL.COM
	Application Purpose <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="radio"/> New station <input type="radio"/> Major change in licensed facility <input type="radio"/> Minor change in licensed facility </div> <div> <input type="radio"/> Major modification of construction permit <input type="radio"/> Minor modification of construction permit <input type="radio"/> Amendment to pending application </div> </div> <p>(a) File number of original construction permit: -</p> <p>(b) Station location: OAKLEY CA</p> <p>If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending application that are being revised.</p>		

[Exhibit 1]

NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See General Instructions, Paragraph I for additional information regarding the completion of explanatory exhibits.

Section II - Legal

New LPFM station applicants must complete all questions in Section II. Major and minor change applicants must complete only questions 1, 4, 6, 7 and 9.

<p>1. Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions, and worksheets.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No
<p>2. Eligibility. Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses.</p> <p>The applicant certifies that:</p>	

a. it is a nonprofit educational organization; or	<input checked="" type="radio"/> Yes <input type="radio"/> No
b. it is a Tribe or Tribal organization; or	<input type="radio"/> Yes <input checked="" type="radio"/> No
c. it is a state or local government or a non-government entity that proposes a noncommercial public safety radio service to protect the safety of life, health, or property.	<input type="radio"/> Yes <input checked="" type="radio"/> No
If the answer to 2c is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? <i>See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80 (2000).</i>	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
Note: An applicant that answers "Yes" to 2a. must include an exhibit that describes the applicant's educational program and how its proposed station will be used to advance its educational program. If the applicant is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is unincorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.	[Exhibit 2]
An applicant answering "Yes" to 2b. must include an exhibit that specifies whether the applicant is a Tribe or Tribal organization, and describes its proposed noncommercial service. If the applicant is a Tribal organization and is incorporated, the exhibit also must state which Tribe or Tribes own or control the applicant, and specify the state and date of applicant's incorporation. If the applicant is a Tribal organization and is not incorporated, the exhibit must state which Tribe or Tribes own or control the applicant, and specify the state in which the applicant is registered or otherwise recognized and the date of such registration or recognition.	
An applicant that answers "Yes" to 2c. must include an exhibit that describes the applicant's public safety radio program and how the proposed station will be used to protect the safety of life, health or property. If the applicant is a non-governmental entity and is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is a non-governmental entity and is not incorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.	

3. Parties to the Application.

- a. List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- (1) Name and address of party.
 (2) Citizenship.
 (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's **equity/debt plus** standard.
 (4) Percentage of votes.
 (5) Percentage of total assets (equity plus debt).
 [Enter Parties/Owners Information]

Parties to the Application

List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- (1) Name and address of party.
 (2) Citizenship.
 (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard.
 (4) Percentage of votes.
 (5) Percentage of total assets (equity plus debt).

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
PAT ANDERSON, 4140 WOODHAVEN LANE,	US	PRESIDENT, BOARD	33.4	33.4

OAKLEY, CA 94561

MEMBER

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
DONNA LAGANO, 370 MAUDE COURT, OAKLEY, CA 94561	US	VICE PRESIDENT, BOARD MEMBER	33.3	33.3

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
NICOLE IMPAGLIAZZO, 419 MAVIS DRIVE, PLEASANTON, CA 94566	US	TREASURER	33.3	33.3

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
FRIENDS OF OAKLEY COMMUNITY FOUNDATION	US	OWNER	100	100

b. Applicant certifies that equity and financial interests not set forth above are non-attributable.

☒ Yes ☐ No
☐ N/A
See Explanation in
[Exhibit 3]4. **Community-Based Criteria.** The applicant certifies that:

- | | |
|---|---|
| a. it is a nonprofit educational organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application. | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| b. it is a nonprofit educational organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application. | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| c. it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. <i>See</i> 47 C.F.R. Sections 73.853(c) and 73.7000. | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| d. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station. | <input type="radio"/> Yes <input checked="" type="radio"/> No |

Note: An applicant should **not** submit an explanatory exhibit in connection with these Question 4 "No" responses.5. **Ownership.**

- | | |
|---|--|
| a. Applicant certifies that it and all parties to the application comply with the multiple ownership limits set forth in Section 73.855 of the Commission's rules. <i>See</i> 47 C.F.R. Section 73.855. | <input checked="" type="radio"/> Yes <input type="radio"/> No
See Explanation in
[Exhibit 4] |
| b. Applicant certifies that it and all parties to the application comply with the cross-ownership limits set forth in Section 73.860 of the Commission's rules. <i>See</i> 47 C.F.R. Section 73.860. | <input checked="" type="radio"/> Yes <input type="radio"/> No
See Explanation in
[Exhibit 5] |
| c. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to media interests of immediate family members. | <input checked="" type="radio"/> Yes <input type="radio"/> No
See Explanation in
[Exhibit 6] |
| d. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to investor insulation and the non-participation of non-party investors or creditors. | <input checked="" type="radio"/> Yes <input type="radio"/> No
See Explanation in
[Exhibit 7] |

6. **Character Issues.** The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with:

- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or

☒ Yes ☐ No
 See Explanation in
 [Exhibit 8]

b. any pending broadcast application in which character issues have been raised.	
<p>7. Adverse Findings. The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?</p> <p>If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 9]</p>
<p>8. Unlicensed Operation. The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>9. Anti-Drug Abuse Act Certification. Applicant certifies that neither the applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>

Section III - Point System Factors

New station and major change applicants must complete the following questions.

Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded a point for each of the following:

1. Established community presence.	<table border="1"> <tr> <td data-bbox="87 1207 1274 1472"> <p>a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p> <p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.</p> </td> <td data-bbox="1274 1207 1534 1472"> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 10]</p> </td> </tr> <tr> <td data-bbox="87 1472 1274 1602"> <p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p> </td> <td data-bbox="1274 1472 1534 1602"> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> </td> </tr> <tr> <td data-bbox="87 1602 1274 1703"> <p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p> </td> <td data-bbox="1274 1602 1534 1703"> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> </td> </tr> </table>	<p>a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p> <p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 10]</p>	<p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	<p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p> <p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>[Exhibit 10]</p>						
<p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>						
<p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>						
2. Local program origination. The applicant pledges to originate locally at least eight hours of programming per day.	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>						
<p>3. Main studio. The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.</p> <p>The applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>						

Address: 1030 KAY LANE		
City OAKLEY	State or Country (if foreign address) CA	Zip Code 94561-
Telephone Number (include area code) 9257329114	E-Mail Address (if available)	

4. Local program origination and main studio. The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.	<input checked="" type="radio"/> Yes <input type="radio"/> No
5. Diversity of ownership. The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.	<input checked="" type="radio"/> Yes <input type="radio"/> No
6. Tribes or Tribal organizations. The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.	<input type="radio"/> Yes <input checked="" type="radio"/> No

Section IV - Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point analysis. <i>See</i> 47 C.F.R. Section 73.872.	
1. Established Community Presence: Provide the date on which the applicant qualified 05/09/2008 (mm/dd/yyyy) as local. <i>See</i> 47 C.F.R. Section 73.853(b).	
Applicant certifies that it has remained local at all times since this date.	<input checked="" type="radio"/> Yes <input type="radio"/> No

Section V - Certification

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith.

The applicant acknowledges that all certifications and attached Exhibits are considered material representations.

The applicant acknowledges that the submission of false or misleading statements will subject the applicant to fines, revocation of license(s), and applicable criminal penalties.

The applicant hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by licensee or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing PAT ANDERSON	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 11/07/2013

Section VI - LPFM Engineering, Tech Box

TECHNICAL SPECIFICATIONS

Applicants must list technical specifications accurately. Contradictory data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1.	Channel: 225
2.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 37 Minutes 58 Seconds 15.3 <input checked="" type="radio"/> North <input type="radio"/> South Longitude Degrees 121 Minutes 43 Seconds 0.7 <input checked="" type="radio"/> West <input type="radio"/> East
3.	Antenna Structure Registration Number: <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA
4.	Antenna Location Site Elevation Above Mean Sea Level: 25 meters
5.	Overall Tower Height Above Ground Level: 30 meters
6.	Height of Radiation Center Above Ground Level: 30 meters
7.	Power and height limitations. By checking "Yes", the applicant acknowledges that it will be authorized to operate within the parameters defined in 47 C.F.R. Section 73.811 as calculated based on the data specified herein.
	<input checked="" type="radio"/> Yes <input type="radio"/> No

An explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

8.	a. Interference. The applicant certifies that the proposed facility complies with all pertinent distance separation requirements of 47 C.F.R. Section 73.807. Note: New station applications that fail to meet all of the co-channel and first-adjacent channel separation requirements set forth in 47 C.F.R. Section 73.807 will be returned and will not be provided an opportunity to file a curative amendment. An applicant seeking a waiver of second-adjacent channel minimum distance separation requirements must submit an exhibit demonstrating that the proposed station operations will not result in interference to any authorized radio service. <i>See</i> instructions for additional information.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 11]
	b. Interference to Translator or Booster Input Signals. The applicant certifies that the proposed facility complies with all pertinent requirements of 47 C.F.R. Section 73.827(a). Note: Where Section 73.827(a) is applicable, an applicant must certify that the proposed facility complies with the distance separation requirements set forth in that section or demonstrate that "no actual interference" would occur based on either the signal strength ratio showing or minimum distance separation formula set forth in 47 C.F.R. Section 73.827(a) or an alternative technical arrangement agreed to by both the applicant and the affected FM translator or FM booster station.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 12]
9.	TV Channel 6 Interference (Channel 201-220). The applicant certifies that the proposed facility complies with 47 C.F.R. Section 73.825.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 13]
10.	National Environmental Policy Act. The applicant certifies, based on its completion of Worksheets 2 and 3 and its review of the instructions to this application, that the proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the attached General Environmental and RF Exposure Worksheets, an Exhibit is required.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]

THE FOLLOWING PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Section V (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name LEO ASHCRAFT	Relationship to Applicant (e.g., Consulting Engineer) CONSULTANT	
Signature	Date 10/28/2013	
Mailing Address PO BOX 1096		
City MOUNT VERNON	State or Country (if foreign address) TX	Zip Code 75457-
Telephone Number (include area code) 2024489064	E-Mail Address (if available) LEO@NEXUSBROADCAST.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 2

Description: MISSION AND PROGRAM SERVICE

ATTACHED HERewith ARE EXHIBITS SHOWING THE APPLICANT'S CORPORATE EXISTENCE AS A NON-PROFIT IN CALIFORNIA, AND THAT DESCRIBE THE APPLICANT'S EDUCATIONAL PROGRAM AND HOW ITS PROPOSED STATION WILL BE USED TO ADVANCE ITS EDUCATIONAL PROGRAM.

Attachment 2

Description
cal secretary of state business entity detail
by laws for friends of oakley
501(c)(3) determination ltr
Educational purpose
Proposed Initial Porgram Schedule
By Laws Addendum

Exhibit 10

Description: NON-PROFIT DURABILITY CERTIFICATION

REFER TO DOCUMENTS IN EXHIBIT 2, AND SEE ATTACHMENT.

Attachment 10

Description
Non-profit durability

CERTIFICATE OF SERVICE

I, Jeffrey M. Brown, hereby state that a true copy of the foregoing **REQUEST FOR LEAVE TO FILE OPPOSITION TO REPLY TO SUPPLEMENT** was mailed first class, postage prepaid, this 22nd day of March, 2019 to:

Kevin Romick, President
Friends of Oakley Community Foundation
PO Box 1025
Oakley, CA 94561

And by email to the following:

Albert Shuldiner, Esq.,
Chief, Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Albert.Shuldiner@FCC.gov

Lisa Scanlan, Esq.
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Victoria McCauley, Esq.
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/s/
